

**INDIANA BOARD OF ACCOUNTANCY
MINUTES
August 16, 2013**

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Mr. Gregory Coy, Chair of the Indiana Board of Accountancy, called the meeting to order at 10:09 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum in accordance with IC § 25-2.1-2-8.

Board Members Present:

Mr. Gregory Coy, CPA, Chair
Ms. Shelley Johnson, CPA, CGMA
Mr. John Kane, CPA
Mr. Randolph Holt, Esq.

Board Members Absent:

Mr. James O'Brien, CPA, Esq., Vice-Chair
Mr. Timothy Deisher, CPA

State Officials Present:

Ms. Crystal Heard, Board Director
Ms. Jacque Retter, Assistant Board Director
Mr. James Schmidt, DAG, Office of the Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the amended agenda.

HOLT/KANE

Motion carried 4-0-0

ADOPTION OF THE MINUTES FROM THE JULY 19, 2013 MEETING OF THE BOARD

A motion was made and seconded to adopt the amended minutes from the July 19, 2013 Board meeting.

HOLT/KANE

Motion carried 4-0-0

ADMINISTRATIVE HEARINGS

In the Matter of the License of Charles A. Spillman

Re: Continued

Cause No.: IBA 13-63

License No.: CP198581171

A continuance was granted regarding this matter.

APPLICATION REVIEW

Applications for Certification as a Certified Public Accountant via Transfer of Grades:

A motion was made and seconded to approve the following applications for certification via transfer of grades.

Gray, Chelsea Ann – Georgia

HOLT/JOHNSON

Motion carried 4-0-0

Application for Renewal of Lapsed Certificate:

A motion was made and seconded to approve the following applications for active reinstatement of an expired license.

Liebsch, Kristin

HOLT/JOHNSON

Motion carried 4-0-0

A motion was made and seconded to deny reinstatement, issue a notice of noncompliance for being deficient for 9.5 hours and no civil penalty.

Woodsmall, Geraldine Faye

HOLT/JOHNSON

Motion carried 4-0-0

2012 AUDIT- ADMINISTRATIVE LAW JUDGE RECOMMENDATIONS

Ed A. Bails

A motion was made and seconded to affirm Administrative Law Judge's Order.

HOLT/JOHNSON

Motion carried 4-0-0

Timothy Wayne Fisher

A motion was made and seconded to affirm Administrative Law Judge's Order.

HOLT/KANE

Motion carried 4-0-0

Lynn Showalter Fravel

A motion was made and seconded to affirm Administrative Law Judge's Order.

HOLT/JOHNSON

Motion carried 4-0-0

Jeffrey S. Jones

A motion was made and seconded to affirm Administrative Law Judge's Order.

HOLT/JOHNSON

Motion carried 4-0-0

Joel Scott Seale

A motion was made and seconded to issue Notice of Intent to review Administrative Law Judge's Order. Petitioner will have until September 20, 2013 to request reduction of civil penalty and to ask for oral argument.

HOLT/KANE

Motion carried 4-0-0

Mary Alberteen Shields

A motion was made and seconded to issue Notice of Intent to review Administrative Law Judge's Order. Petitioner will have until September 20, 2013 to request for oral argument.

HOLT/JOHNSON

Motion carried 4-0-0

Alan S. Wright

A motion was made and seconded to affirm Administrative Law Judge's Order.

HOLT/JOHNSON

Motion carried 4-0-0

Timothy John Buczynski

A motion was made and seconded to issue Notice of Intent to review Administrative Law Judge's Order.

Petitioner will have until September 20, 2013 to request for oral argument or submit a brief.

HOLT/KANE

Motion carried 4-0-0

Stephen Frick

A motion was made and seconded to issue Notice of Intent to review Administrative Law Judge's Order.

Petitioner will have until September 20, 2013 to request for oral argument or submit a brief.

HOLT/JOHNSON

Motion carried 4-0-0

2012 AUDIT – RECOMMENDATIONS AND DISCUSSIONS

Douglas Hal Kaiser

A motion was made and seconded to suspend the license of Douglas Hal Kaiser for failure to pay the civil penalty within twenty-one (21) days.

HOLT/KANE

Motion carried 4-0-0

Christopher Thomas Ashby

A motion was made and seconded to withdraw suspension on the license of Christopher Thomas Ashby.

HOLT/KANE

Motion carried 4-0-0

Joseph H. Rohs

A motion was made and seconded to grant Joseph H. Rohs' petition for review with Board member Jamie O'Brien appointed to preside over these hearings as the administrative law judge with all other Board members as alternatives.

HOLT/KANE

Motion carried 4-0-0

DISCUSSION

Jennifer Harris

A motion was made and seconded to grant request for oral argument. Set hearing for October meeting.

HOLT/JOHNSON

Motion carried 4-0-0

Fred Prall

A motion was made and seconded to take no action on late filing of the objection. The Final Order dated July 26, 2013 stands.

HOLT/JOHNSON

Motion carried 4-0-0

L. Craig Keoun, Jr.

A motion was made and seconded to change status from active to inactive.

HOLT/JOHNSON

Motion carried 4-0-0

OLD/NEW BUSINESS

LSA Document # 13-279, Readoption of Rules

Rules to be readopted without changes are as follows:

872 IAC 1-1 Requirements for Certification, Licensure, and Registration

872 IAC 1-2-2.1 Records furnished to clients

872 IAC 1-3 Permits to Practice; Continuing Education

The readoption of rules was tabled until the October meeting.

In the Matter of the License of Donald Richards

A motion was made and seconded to dismiss.

HOLT/KANE

Motion carried 4-0-0

DISCUSSION

PROC Reappointment - A motion was made and seconded to reappoint Anthony Smith to the PROC committee.

HOLT/KANE

Motion carried 4-0-0

Letter from Mr. Curtis L. Coonrod regarding Peer Review fees – tabled until October meeting for advisory counsel to review for guidance.

Firm Permits- It is the position of the Board that any firm that provides services for compensation is required to have a firm permit (PA's or CPA's) .

The statutes and discussion was based upon the following:

Definition of a firm:

IC 25-2.1-1-7

"Firm"

Sec. 7. "Firm" means a proprietorship, a general business corporation, a professional corporation, a limited liability company, a partnership, or other form of legal entity issued a permit under IC 25-2.1-5 or a registration under IC 25-2.1-6.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.9.

Definition of Practice of Accountancy:

IC 25-2.1-1-10

"Practice of accountancy"

Sec. 10. (a) "Practice of accountancy" means the performance or the offering to perform by a licensee of a service involving:

(1) the use of accounting or auditing skills, including the issuance of reports on financial statements;

(2) management advisory, financial advisory, or consulting services; or

(3) the preparation of tax returns or the furnishing of advice on tax matters.

(b) The term does not include the performance or offering of the following services if the person performing or offering the services is not a licensee and no representation is made that the person performing or offering the service is a licensee:

(1) The selling and installing of data processing or bookkeeping equipment and forms.

(2) The preparation of tax returns.

(3) The performance of bookkeeping.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.13.

Chapter 5 on Permits for Firms:

IC 25-2.1-5-1

Grant of permit or renewal

Sec. 1. The board shall grant or renew a permit to practice accountancy to a CPA or PA firm that applies and meets the requirements under this chapter.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.28.

Violations in Chapter 12:

IC 25-2.1-12-5

Firm use of title "CPA"

Sec. 5. A firm may not provide attest services or use the title or designation "certified public accountant", the abbreviation "CPA", or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm is composed of certified public accountants, unless:

(1) the firm holds a valid permit issued under IC 25-2.1-5; and

(2) ownership of the firm meets the requirements of this article and the rules adopted by the board.

As added by P.L.30-1993, SEC.7. Amended by P.L.128-2001, SEC.45

During the Board discussion we walked through the above Statutes to define a firm, the practice of accountancy, and who is required to have a firm permit. IC 25-2.1-12-5 looks at it from a negative approach by stating what a firm cannot do, not forgetting the words "or any other title ...". So, it is the Board's stance when you tie this all together and no matter if you are preparing a financial statements, tax return, providing advisory services for compensation, according to the definitions and related Statute you are required to have a firm permit.

STANDING REPORTS

Board Liaison to the Attorney General's Office – John Kane

Mr. Kane informed the board of the six referrals from the Attorney General's Office.

Indiana Professional Licensing Agency – Crystal Heard

Mrs. Heard is excited to be the new director for the Indiana Board of Accountancy and she looks forward to working with the members and the association. Mrs. Heard will work with Greg Coy and Sherrill Rude to develop a list of duties for Compliance Officer to present to Nicholas Rhoad, Executive Director of the Indiana Professional Licensing Agency. Mrs. Heard also discussed how the agency wants boards to look at ways to reduce barriers to practice so show Indiana is a state that works by getting Hoosiers to work faster.

Advisory Counsel – Jim Schmidt

No comments

Office of the Attorney General

Mr. Basile presented the Attorney General Consumer Complaint report. This report will be available to the public on the Board of Accountancy website.

ADJOURNMENT

There being no further business and having completed its duties, a motion was made and seconded to adjourn the meeting of the Indiana Board of Accountancy.

The meeting adjourned at 12:27pm.

Next Scheduled Meeting:
October 18, 2013
Indiana Government Center South
402 W. Washington St., Room W064
Indianapolis, IN 46204